IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

WP(C).No. 26215 of 2007(U)

PETITIONER:

K.SOMASUNDARAN, AGED 55 YEARS,
S/O.RAVUNNI, HARBOUR ENGINEERING DEPARTMENT,
CONSTRUCTION SUB DIVISION, BEYPORE, KOZHIKODE
DISTRICT.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
HARBOUR ENGINEERING DEPARTMENT,
SECRETARIAT, TRIVANDRUM.

2. THE CHIEF ENGINEER,
HARBOUR ENGINEERING DEPARTMENT,
TRIVANDRUM.

3. THE ASSISTANT EXECUTIVE ENGINEER,
HARBOUR ENGINEERING DEPARTMENT,
CONSTRUCTION SUB DIVISION, BEYPORE,
KOZHIKODE DISTRICT.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P.(C) NO.26215 of 2007

Dated this the 6th day of September, 2007

JUDGMENT

The petitioner, who was provisionally appointed as a Seaman on 1.11.1987, retired from service on 21.5.2007. He claims that his services are entitled to be regularised. He also refers to Exts.P14 and P15 orders issued by the Government on 21.11.2005 and 11.5.2005, whereunder two others, who were working in the Fishing Harbour Division, were apparently regularised in service by the Government exercising powers under Rule-39 of the KS&SSR.

2. In my view, the petitioner, who is, admittedly, appointed on provisional basis, is not entitled to regularisation as a matter of course or precedent. The validity of Exts.P14 and P15 were apparently not challenged by any other person. It is not necessary for me to comment on the same. Nevertheless there is no rule which enables the petitioner to claim regularisation as a right. I do not find any ground to issue a direction to the Government to either regularise the services of the petitioner or pass any specific orders in that regard.

3.But, neverthless, if the petitioner moves the Government, in this regard, by means of an appropriate representation, this judgment shall not stand in the way of the Government considering the same, in accordance with law, and taking an appropriate decision in that respect.

Subject to the above observations, the writ petition is dismissed.

V.GIRI, JUDGE

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